

US DIST. COURT: SOUTHERN DISTRICT
COUNTY OF NEW YORK

Attorney:
COLUCCI & UMANS, ESQS.

EXPRESS, LLC,

- against -

WAL-MART STORES, INC.,

Plaintiff(s)

Defendant(s)

Index No. 08 CIV 4425

AFFIDAVIT OF SERVICE
OF:
SUMMONS AND COMPLAINT

STATE OF NEW YORK: COUNTY OF NEW YORK ss:
RAYMOND BURROWES

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 06/02/08 at 0140PM Hours at c/o CT CORPORATION SYSTEM 111 8TH AVENUE NEW YORK, NEW YORK 10011

deponent served the within SUMMONS AND COMPLAINT

WAL-MART STORES, INC.

therein named,

on

INDIVIDUAL

A ☐

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. (S) He identified (her) himself as such.

XXX

SABRINA AMBROSE

CORPORATION

B ☒

a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally; deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be

AUTHORIZED AGENT

thereof

SUITABLE
AGE PERSON

C ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. (S) He identified (her) himself as of recipient

AFFIXING TO
DOOR, ETC.

D ☐

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

MAILING
USE WITH
C or D

☐

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BLACK	BROWN	26	5' 6	175

MILITARY
SERVICE

☐

Above person has asked, whether the recipient (s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient (s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

*** ABOVE PAPERS WERE ENDORSED WITH THE INDEX NUMBER AND THE DATE OF FILING, 05/12/08 ***

USE IN
NYC CIVIL CT.

☐

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the
06/03/08

IRVIN D. GARTENSTEIN
Notary Public, State of New York
No. 01GA4824/08
Qualified in New York County
Commission Expires June 30, 2010

NELLY MOLINA ROMAN
Notary Public, State of New York
No. 01MO6130883
Qualified in New York County
Commission Expires July 25, 2009

RAYMOND BURROWES

LICENSE No.
1151219

193007

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Express, LLC

V.

Wal-Mart Stores, Inc.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CIV 4425

JUDGE CROTTY

TO: (Name and address of Defendant)

Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, Arkansas 72716

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Frank J. Colucci, Esq.
Colucci & Umans
218 East 50th Street
New York, New York 10022

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAY 12 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	6-2-08
NAME OF SERVER (PRINT) RAYMOND Burrows	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):</div><div style="width: 50%; text-align: right; font-family: cursive; font-size: 1.2em;">WALMART STORES INC c/o CT COMPUTATION SYSTEM 111 8th AVE, NY, NY 10011</div></div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="width: 30%;"><p>Executed on <u>6-2-08</u></p><p style="text-align: center; font-size: 0.8em;">Date</p></div><div style="width: 30%; text-align: center;"><p><u>R. Burrows</u></p><p style="text-align: center; font-size: 0.8em;">Signature of Server</p></div><div style="width: 30%; text-align: center;"><p><u>333 W 39th ST #405, NY NY 10018</u></p><p style="text-align: center; font-size: 0.8em;">Address of Server</p></div></div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.